

**REPORT - PLANNING COMMISSION MEETING  
February 24, 2005**

**Project Name and Number:** Kaiser Farmers' Market (PLN2005-00091)

**Applicant:** Kimberly Graves, GSAA Service Manager, The Permanente Medical Group, Inc.

**Proposal:** To consider a Conditional Use Permit to allow the operation of a year round farmers' market on the Kaiser Permanente Fremont Medical Center Campus.

**Recommended Action:** Approve, based on findings and subject to conditions.

**Location:** 39400 Paseo Padre Parkway, in the Central Business District

**APN:** 507-0465-001-50

**Area:** 24.10 acres

**Owner:** Kaiser Foundation Health Plan

**Contact(s):** Kimberly Graves, The Permanente Medical Group, Inc.

**Environmental Review:** This project is exempt from the California Environmental Quality Act (CEQA) per section 15301, Existing Facilities.

**Existing General Plan:** C-B-D, Central Business District

**Existing Zoning:** Central Business District and Planned District (P-80-12)

**Existing Land Use:** Medical Facility

**Public Hearing Notice:** Public hearing notification is applicable. A total of 626 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Walnut Avenue, Civic Center Drive, Stevenson Boulevard and Paseo Padre Parkway. The notices to owners and occupants were mailed on February 11, 2005. A Public Hearing Notice was delivered to The Argus on February 7, 2005, to be published by February 10, 2005.

**Executive Summary:** The applicant is requesting approval of a Conditional Use Permit (CUP) to allow the operation of a weekly, year-round Farmers' Market to be held on the Kaiser Permanente Fremont Medical Center campus. The applicant proposes to locate this market in a plaza near center of the campus. The market is scheduled year-round, every Thursday (rain or shine) from 10:00 am to 2:00pm.

**Background and Previous Actions:** Kaiser Permanente operates its Fremont Medical Center campus as out-patient medical offices and a full-service hospital with emergency room pursuant to a planned district approval (P-80-12).

While this application for a farmers' market was pending, but prior to receiving approval, the applicant began to hold farmers' markets on the site. The applicant has been allowed to operate their farmers' market since about November, 2004, under a provision of the Municipal Code which allows temporary and seasonal uses for up to twelve events per calendar year. The applicant seeks this Conditional Use Permit to allow this use to continue on a weekly basis for 52 weeks a year.

**Project Description:** The applicant is requesting approval of a Conditional Use Permit for the operation of a year-round, weekly, outdoor farmers' market to be located on the Kaiser Hospital Fremont Medical Center campus. The applicant proposes to locate this market in a plaza near the center of the campus. The market is scheduled year-round, every

Thursday (rain or shine) from 10:00 am to 2:00pm. However, this approval will allow them to operate this market at a different time should they need to reschedule.

The patrons of this market are expected to be mostly Kaiser employees and members. The market will be open to the public, but it will take place on a weekday when most members of the public may be unavailable.

### **Project Analysis**

**General Plan Conformance:** The existing General Plan Land Use designation for the project site is Central Business District. The proposed project is consistent with the existing General Plan Land Use designation for the project site which permits medical facilities and related accessory uses. This use may also be considered retail in nature. The General Plan allows retail uses within the Central Business District General Plan Designation.

**Zoning Regulations:** The Kaiser Fremont Medical Center campus is currently divided into two zones: P-80-12 and Central Business District (CBD). The plaza portion is zoned CBD. Staff considers the medical center as a public/quasi public use. The Zoning Ordinance requires public/quasi-public uses to obtain a Conditional Use Permit approval by the Planning Commission.

**Parking:** Under a recent discretionary approval, the Kaiser Foundation Medical Facility was defined as a 106 bed hospital, a 54,000 square foot medical office facility and 9,000 square feet of facility management office space. The parking requirement for such use is approximately 459 parking stalls. It appears that 1,130 parking stalls are provided for the entire campus. This amount exceeds the requirements. The patrons for the market will park in the existing lots that surround the Kaiser campus. The medical center will not be required to provide additional parking for this use.

**Open Space/Landscaping:** No existing landscaping will be altered as part of this project.

**Environmental Analysis:** The project qualifies as a categorical exemption under Section 15301 of the California Environmental Quality Act Guidelines. This exemption includes projects involving existing facilities.

|                    |               |                         |
|--------------------|---------------|-------------------------|
| <b>Enclosures:</b> | Exhibit "A"   | Site Plan               |
|                    | Exhibit "B"   | Conditions of Approval  |
|                    | Informational | Statement of Operations |

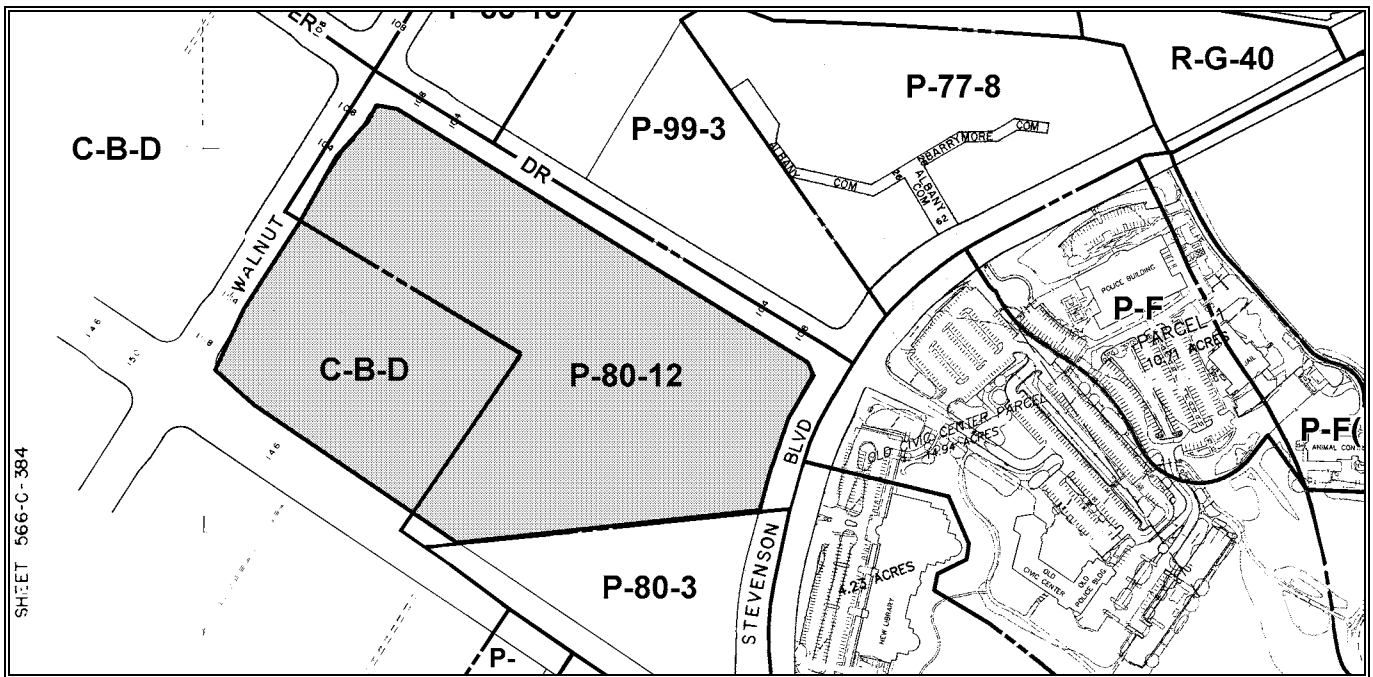
|                  |             |                        |
|------------------|-------------|------------------------|
| <b>Exhibits:</b> | Exhibit "A" | Site Plan              |
|                  | Exhibit "B" | Conditions of Approval |

### **Recommended Actions:**

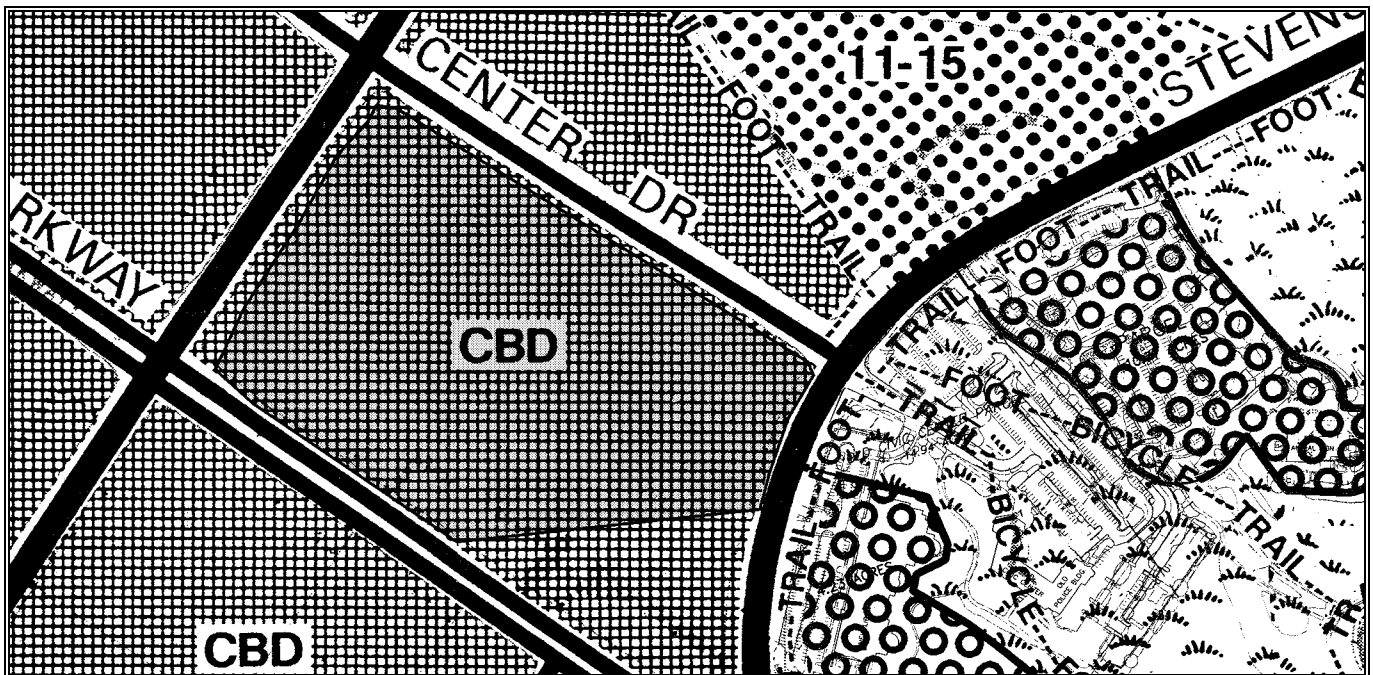
1. Hold public hearing.
2. Find PLN2005-00091, as per Exhibit "A" (Site Plan) is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use Chapter as enumerated within the staff report. Find that the project conforms to the goals and objectives of the Central Business District.
3. Find PLN2005-00091 is categorically exempt from further environmental review pursuant to CEQA Guidelines section 15301 related to alterations to existing facilities.
4. Approve PLN2005-00091, as shown on Exhibit "A" and subject to findings and conditions on Exhibit "B".

# Existing Zoning

Shaded Area represents the Project Site



# Existing General Plan



**Exhibit "B"**  
**FINDINGS AND CONDITIONS OF APPROVAL FOR**  
**CONDITIONAL USE PERMIT (PLN 2005-00091)**  
**Kaiser Foundation Fremont Medical Center Farmers' Market – 39400 Paseo Padre Parkway**

**FINDINGS**

1. The site is suitable and adequate for the proposed use because the use will be conducted entirely on the campus of the Kaiser Medical Center. This site is level, well drained and large enough to accommodate the proposed use.
2. The proposed use would not have a substantial adverse effect on traffic circulation, the planned capacity of the street system or other public facilities or services because the traffic and other impacts generated by the use can be accommodated by the surrounding streets and existing services. Sufficient parking is provided, and adequate fire fighting equipment and emergency access and facilities will be maintained.
3. The proposed use would not have a substantial adverse economic effect on nearby uses because the proposed periodic use is allowed with the approval of a conditional use permit and the use is targeting employees and members of the Kaiser operation. Though it is open to the public, it is expected that only a few people outside the target audience will take advantage of the market because the time of operation is during the middle of the day on a weekday, when most people may be working. In addition, the pedestrian presence generated by the market is likely to benefit the surrounding businesses.
4. The proposed use would not have a substantial adverse impact on the general welfare of persons residing in the community, because it is only a periodic use that properly regulated and properly located on a site with adequate parking, would not create nuisances or degrade the environment, and would add shopping opportunities for Fremont residents.
5. The design of the project is compatible with existing and proposed development within the district and its surroundings because the proposed project will include only temporary stalls and no permanent structures.
6. The use is consistent with the General Plan designation for the site, since the land use is locating on an existing medical facilities site and is conditionally allowed as an incidental use within the Central Business District General Plan Land Use Designation.

**CONDITIONS OF APPROVAL:**

General

- A-1 Approval of this Conditional Use Permit, PLN 2005-00091, is based upon conformance with Exhibit "A", Site Plan and all conditions of approval.
- A-2 The location of farmers' and vendors' spaces and the on site parking for farmers' vehicles shall be provided as shown on Exhibit "A". Minor revisions to the locations and other elements of the above exhibit may be allowed subject to the approval of the Zoning Administrator.
- A-3 If the Zoning Administrator finds evidence that conditions of approval have not been fulfilled or that the use has resulted in a substantial adverse effect on the health, and/or general welfare of users of adjacent or proximate property, or have a substantial adverse impact on public facilities or services, the Administrator may refer the review of the permit to the Planning Commission at that time. If, upon such review, the Commission finds that any of the results above have occurred, the Commission may modify or revoke the use permit.
- A-4 Minor amendments to this conditional use permit may be approved by the Zoning Administrator if it is determined the overall intent of the permit is fulfilled.

### Market Operation

- B-1 The Kaiser Foundation Fremont Medical Center Farmers' Market may operate during the hours of 10:00 a.m. to 2 p.m. on Thursdays, year-round (rain or shine), with reasonable time for set up prior to opening and reasonable time for restoration and cleaning after market closing. Minor modifications to business hours may be approved by the Zoning Administrator if she/he finds such extension does not interfere with traffic and area business operation.
- B-2 The Kaiser Foundation Fremont Medical Center Farmers' Market shall remove all packaging and other litter from the site at the end of each market day. The Farmers Market or the Kaiser Foundation shall be responsible for leaving the site as well as the immediately surrounding area free of litter and any debris generated by either market vendors or visitors at the end of each market day.
- B-3 The location of the Farmer's Market is considered an emergency vehicle access easement and must remain clear of permanent structures.
- B-4 The Farmers' Market activity shall conform to all requirements of the City of Fremont Fire Department, on a continuing basis, with particular reference to emergency vehicle access fire lane of 20-foot width on the Plaza between the vendor's booths.
- B-5 The Farmers' Market activity shall conform to all requirements of the City of Fremont Police Department, on a continuing basis, with particular reference to the handling of proper barricades, traffic, and parking.
- B-6 Sign design is not a part of this review and approval. Any proposed signs for the Kaiser Foundation Fremont Medical Center Farmers' Market shall conform to the City's Sign Ordinance.
- B-7 Nearby businesses shall be able to require the Kaiser Foundation Fremont Medical Center Farmers' Market post their parking lot every Thursday during market times "No Farmers Market Parking Allowed" if the business has concerns about the use of their parking lot by market customers.
- B-8 The Farmer's Market shall be required to pick up trash and wash down the plaza as necessary to leave it in a clean condition (no food residue or trash present on site, and no oil or tire marks from vehicles) after each market event.